IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.163 OF 2006
IN
CRI.APPEAL NO.593 OF 2005

Kailash @ Kalu Nandvalhar Joshi ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.A.Majeed Memon Advocate for Applicant
Mr.P.S.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE :AUGUST 3,2006
IN CHAMBER AT 2.40 P.M.

P.C.

1. Heard Mr. A.Majeed Memon, the learned advocate for the Applicant-original accused No.3 and Mr.P.S.Shinde, the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Section 307 of IPC for

causing injuries to P.W.No.1 Saibaba Kondapuram. The applicant had earlier preferred an application for bail i.e. Criminal Application No.3974 of 2005 which came to be rejected by this Court by order dated 3.10.2005. On behalf of the applicant, it is contended that the applicant is in jail for over three years. It is further stated that the family of the applicant consists of only one younger sister i.e. Kamla Joshi. The applicant does not have parents or any other persons in the family besides his younger sister. It is further stated that his sister is engaged and her marriage has not been able to take place as the only member of the family i.e. applicant is in jail. Moreover, the role attributed to the applicant is that he had assaulted Saibaba Kondapuram on head. As far as his role is concerned, the evidence of P.W.7 Dr.Subhedar shows that the said injury was simple in nature.

3. Looking to the above facts and specially the fact that the applicant has been in jail for over three years, I am inclined to grant bail.

4. The applicant Kailash @ Kalu Nandvalhar Joshi be released on bail in the sum of Rs.25,000/- (Rs.twenty five thousand only) with one or two sureties to make up that amount. The sureties shall be local sureties. During the pendency of the appeal, the applicant shall report at Malad Police Station on every Wednesday and Saturday.

5. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]